

UNITED STATES DISTRICT COURT
District of Maine

AMERICAN NATIONAL FIRE)
INSURANCE COMPANY,)
)
v.)
) ****Civil No. 06-200-P-S**
YORK COUNTY,)
)
Defendant)
)
)

**ORDER AFFIRMING THE
RECOMMENDED DECISION OF THE MAGISTRATE JUDGE**

The United States Magistrate Judge filed with the Court on October 31, 2007, her Recommended Decision (Docket No. 43). Plaintiff filed its Objection to the Estoppel Aspect of the Recommended Decision (Docket No. 44) on November 19, 2007. The Defendant filed its Objection to the Recommended Decision (Docket No. 45) on November 19, 2007. Defendant filed its Reply to Plaintiff's Objection to the Estoppel Aspect of the Recommended Decision (Docket No. 46) on December 7, 2007. Plaintiff filed its Response to Defendant's Objection to the Recommended Decision (Docket No. 47) on December 7, 2007.

I have reviewed and considered the Magistrate Judge's Recommended Decision, together with the entire record; I have made a de novo determination of all matters adjudicated by the Magistrate Judge's Recommended Decision; and I concur with the recommendations of the United States Magistrate Judge for the reasons set forth in her Recommended Decision, and determine that no further proceeding is necessary.

1. It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **AFFIRMED**.

2. It is hereby **ORDERED** that Plaintiff's Motion for Summary Judgment (Docket No. 26) is **GRANTED IN PART**, finding that the language of the LEL Coverage Form deductible provision is unambiguous and would apply to multiple claims in the class action context, but otherwise **DENIES** Plaintiff's request for an entry of judgment in its favor on its complaint.
3. It is hereby **ORDERED** that Defendant's Motion for Summary Judgment (Docket No. 28) is **DENIED** both on the contract construction issue and the estoppel defense.

/s/George Z. Singal
Chief U.S. District Judge

Dated: December 18, 2007